

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1794 - HB 2337**

February 28, 2014

**SUMMARY OF BILL:** Increases the minimum sentence for second offense domestic assaults that result in bodily injury from 30 days to 45 consecutive days.

Increases the minimum sentence for third offense domestic assaults that result in bodily injury from 90 days to 120 consecutive days.

Requires every offender to serve the difference between the time actually served and the maximum sentence on probation.

Requires every offender convicted of domestic assault that result in bodily injury to begin service of sentence within 30 days of conviction. If the sheriff does not have adequate space to house the offender within 30 days, then the sheriff shall notify the offender of the date on which his sentence will start. However, the sheriff is authorized to use alternative facilities, which include vacant schools or office buildings, to house the offender if the sheriff does not have adequate space to begin the offender's sentence within 90 days of conviction.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Expenditures – \$251,300/Incarceration\***

Assumptions:

- According to the Department of Correction (DOC), requiring the offender to serve the difference between the actual time served and the maximum sentence on probation will not impact the DOC.
- According to statistics from the Administrative Office of the Courts, there has been an average of 670.8 convictions each year for domestic assault over the past five years. It is assumed that 10 percent ( $670.8 \times .1 = 67.08$ ) of these assaults are third offense assaults that resulted in bodily injury. It is assumed that 20 percent ( $670.8 \times .2 = 134.16$ ) of these assaults are second offense assaults that resulted in bodily injury.
- The estimated 2014 cost per inmate per day for local jails is \$62.52.
- The proposed legislation will result in 67 offenders serving an additional 30 days for a third offense. The increase in local expenditures is \$125,665.20 (67 offenders x 30 days x \$62.52).

- The proposed legislation will result in 134 offenders serving an additional 15 days for a second offense. The increase in local expenditures is \$125,665.20 (134 offenders x 15 days x \$62.52).
- The total increase in local expenditures is \$251,330.40 (\$125,665.20 + \$125,665.20).
- The proposed legislation does not create any new offenses. It is assumed that the courts, district attorneys, and public defenders can accommodate any impact within existing resources.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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